

Docket No.: 101896-0474  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Michael Mahoney et al.

Application No. 10/579,146

Confirmation No. 8927

Filed: May 12, 2006

Art Unit: 3733

For: SYSTEMS AND METHODS FOR SPINAL  
SURGERY

Examiner: Not Yet Assigned

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being sent via EFS Web on the date shown below.

Dated: January 27, 2009

Signature: 

(Ronald E. Cahilly)

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicant(s) have become aware of the following documents, cited in a European Search Report issued January 16, 2009, during the prosecution of EP Appl. No. 05713229.2, corresponding to the above referenced application, and in accordance with 37 CFR 1.97(c) and (e)(1) or (b)(3), hereby submit(s) these documents for the Examiner's consideration. These documents are cited on

the enclosed PTO Form SB/08, and a copy of the Search Report and of each document required under 37 CFR 1.98(a)(2) cited thereon are enclosed as well.

The undersigned hereby certifies that each item contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

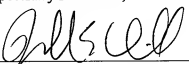
In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b).

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101896-474.

Dated: January 27, 2009

Respectfully submitted,

By   
\_\_\_\_\_  
Ronald E. Cahill  
Registration No.: 38,403  
NUTTER MCCLENNEN & FISH LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, Massachusetts 02210-2604  
(617) 439-2782  
(617) 310-9782 (Fax)  
Attorney for Applicant